



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,896	01/22/2004	Michael C. Rourke	250-002	5432

34845 7590 09/07/2006

McGUINNESS & MANARAS LLP
125 NAGOG PARK
ACTON, MA 01720

EXAMINER

SUN, SCOTT C

ART UNIT	PAPER NUMBER
----------	--------------

2182

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/762,896	ROURKE, MICHAEL C.	
	Examiner	Art Unit	
	Scott Sun	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 24-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-23, drawn to peripheral bus coupling, classified in class 710, subclass 313.
 - II. Claims 24-33, drawn to peripheral configuration, classified in class 710, subclass 8.
2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as detecting peripheral devices and configuring a central system to use peripheral devices and subcombination II has separate utility such as storing device and user information. See MPEP § 806.05(d).
3. During a telephone conversation with David Dagg on 8/29/2006 a provisional election was made without traverse to prosecute the invention of group I, claims 1-23. Affirmation of this election must be made by applicant in replying to this Office action. Claims 24-33 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 5, 9-13, 16, 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spitaels et al (PG Pub #2002/0136038) in view of Rostoker et al (US Patent # 6,131,125).

6. Regarding claim 1, Spitaels discloses a method of connecting a device (UPS 60) to a central system (host computer 30; figure 3), comprising: detecting the insertion of a connector (multi-purpose data port 40) into a slot (RJ-45 jack) in said central system (paragraph 25; figures 4, 5), wherein said connector is communicably connect to said device (paragraph 23);

Reading (plug-and-play enumeration), through said slot, configuration information stored in a memory (memory storing firmware of UPS; paragraph 20, 28);

Configuring said central system in response to said configuration information read from said memory (plug-and-play configuration; paragraph 28); examiner notes that plug-and-play enumeration involves a hand-shaking data exchange between the host and the device to allow the host to dynamically recognize and use the device.

Spitaels does not disclose explicitly the configuration information is stored in a memory contained within a connector. However, Rostoker discloses that connectors (connectors 52, 56 shown in figure 2) can contain the controller and associated memory

Art Unit: 2182

and data to process communication between devices (column 5, lines 6-40). Teachings of Rostoker and Spitaels are from the same art of communication path between peripherals and host devices, and specifically of connectors.

Therefore, it would have been obvious at the time of invention to combine teachings of Spitaels with teachings of Rostoker by storing the configuration data, controller, and memory into the connector of Spitaels system for the benefit of using the connector independently from the devices being connected (using the connector as "smart" cables; Rostoker; column 2, lines 18-35).

7. Regarding claim 2, Spitaels and Rostoker combined disclose claim 1, and Spitaels further discloses said configuration information includes information describing said device (plug-and-play functionality; paragraph 28).

8. Regarding claim 5, Spitaels and Rostoker combined disclose claim 1, and Spitaels further discloses wherein said slot is one of a plurality of slots (a plurality of ports on host system; paragraph 31) in said central system, and wherein said configuring comprises establishing a communication path between said slot and logic within said central system associated with said device (plug-and-play; paragraph 28). Examiner notes that by definition of plug-and-play, a communication path is established between the processing elements of the host and the peripheral device.

9. Regarding claims 9 and 10, Spitaels and Rostoker combined disclose claim 1, and Spitaels further discloses wherein said device is an input device or output device (monitor, printer, fax machine, zip drive, scanner; paragraph 6).

Art Unit: 2182

10. Regarding claim 11, Spitaels and Rostoker combined disclose claim 1, and Rostoker further discloses providing said configuration information to a maintenance interface (processing element in host system performing plug-and-play drivers update) of said central system separate from said slot (column 7, lines 50-67). Examiner notes that a drivers update would require the device to send configuration information to the host computer to identify the current drivers being used to determine if newer drivers are available.

11. Claims 12, 13, 16, 20-23 are substantially similar to claims 1, 2, 5, 9-11 above and are rejected using the same ^{rationales} ~~arguments~~.

12. Claims 3, 4, 6-8, 14, 15, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spitaels et al (PG Pub #2002/0136038) in view of Rostoker et al (US Patent # 6,131,125) further in view of Rabin (US Patent #6,081,782).

13. Regarding claim 3, Spitaels and Rostoker combined disclose claim 1 but does not disclose explicitly configuration information includes information describing a characteristic of a user of said device. However, Rabin discloses storing configuration information including user characteristics (speech models; column 4, lines 5-25) on peripherals. Teachings of Spitaels, Rostoker, and Rabin are from the same field of peripherals, and specifically of data transfers.

Therefore, it would have been obvious at the time of invention to combine teachings of Spitaels and Rostoker, and further with teachings of Rabin to include user characteristics (speech models) in the configuration information for the benefit of

identifying the user (column 4, lines 10-11). Examiner notes that Rostoker further teaches configuration information can be stored in the connector as previously cited for rejection of claim 1.

14. Regarding claim 6, Spitaels, Rostoker, and Rabin combined disclose claim 3, and Rabin further discloses wherein said at least one characteristic of said user of said device comprises an identity of said user (vocal characteristics of speech models for identifying who the user is; column 6, lines 35-45); wherein said configuring includes accessing at least one other characteristic (bank balance) of said user of said device in response to said identify of said user, and wherein said at least one other characteristic of said user is stored within and accessed from a memory in said central system (accessing data in a bank system after verifying identify of the user; column 8, lines 30-38).

15. Regarding claim 7, Spitaels and Rostoker combined disclose claim 3, and Rabin further discloses configuring comprises configuring a speech recognition process within said central system in response to said at least one characteristic of said user (configuring the system to recognize the commands fitting the particular microphone and speech characteristics; column 5, lines 12-25).

16. Regarding claim 8, Spitaels and Rostoker combined disclose claim 7, and Rabin further discloses wherein said device is a microphone (column 3, lines 60-61).

17. Regarding claim 4, Spitaels and Rostoker combined disclose claim 1 but does not disclose explicitly writing at least one characteristic of a user into said memory contained within said connector. However, Rabin discloses storing user characteristics

Art Unit: 2182

(speech models) into a peripheral (portable device such as a smart card). As previously stated in rejection of claim 3, Rabin's teachings in combination with Rostoker's teaching of storing the configuration information into the connector of a peripheral would motivate one of ordinary skill in the art to store the user characteristic used to configure the system into the connector of the peripheral.

18. Claims 14, 15, 17-19 are substantially similar to claims 3, 4, 6-8 above. The same ^{rationales} arguments are applied.

Conclusion

19. Other publications are cited to further show the state of the art with respect to storing peripheral configuration data. Refer to form 892, "Notice of References Cited", for a complete list of relevant prior arts cited by the examiner.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Sun whose telephone number is (571) 272-2675. The examiner can normally be reached on M-F, 10:30am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SS



KIM HUYNH
SUPERVISORY PATENT EXAMINER
3/1/06